

Request for Proposals #952
Environmental Monitoring & Reporting for the Nacimiento Water Project
Follow-up Questions & Responses
May 4, 2007

Opus Environmental Consulting asked the following questions on May 3, 2007. For the benefit of all potential bidders, the questions and District responses are provided below.

Question:

According to page two of the National Marine Fisheries Service (NMFS) letter dated January 4, 2007, "Additional pipeline construction avoidance and minimization measures include the following for all creek crossings:

- Construction across waterways will be restricted to low-flow periods of June 15 through November 1. If the channel is dry, construction can occur as early as June 1.
- A qualified biological monitor will be on site during construction activities. The qualified biological monitor will be authorized to halt construction if impacts to steelhead are evident."

The construction schedule in the Request for Proposal (RFP) shows that the Salinas River North crossing, Salinas River – Taft Ranch/Santa Clara Road crossing and Santa Margarita Creek "Bridge" crossing all will occur outside this construction window. Is it possible to receive an updated schedule that reflects the NMFS construction restrictions?

Response:

The updated construction schedule to reflect permit conditions remains a work in progress and not available for distribution. The general planning in the schedule for the stream crossings is as follows:

Crossing	Method	Start	Finish
Salinas River North	HDD	15 SEP 09	1 NOV 09
Salinas River – Middle	HDD	1 JUL 08	1 SEP 08
Salinas River – Taft Ranch/Santa Clara Road	Existing steel casing	12 MAR 08	10 APR 08
Santa Margarita Creek "Bridge"	Bridge	11 APR 08	12 MAY 08

Question:

In addition, the RFP states on page 10: "The District's expectation is that the environmental monitors move about to cover multiple headings each day rather than remain at a particular site." Could you please clarify whether we should provide a biological monitor at each waterway crossing for the duration of work at that crossing in accordance with the NMFS letter requirement, or not?

Response:

A monitor needs to be on site at any crossing where steelhead may be affected by the activities. Underground construction across a dry channel does not fit that category and a monitor would not be required at all in such a situation. We also believe that the way the measure is presented in the letter as applying "to all creek crossings" is the result of NMFS staff trying to summarize the required measures in an expedient and easy-to-understand manner and that it was not intended to be applied to all construction activities at all crossings under any circumstance.

A Biological Opinion/Letter of Concurrence is often a synopsis of information presented in a BA. The letter states:

"Additional pipeline construction avoidance and minimization measures include the following for all creek crossings (emphasis added):

- A qualified biological monitor will be on site during all open trench stream crossing activities. The biological monitor will be authorized to halt construction if impacts to steelhead are evident."

This measure is a word-for word copy of a measure included in the BA on page 4-5 for open trench crossings and in the middle of page 4-6 for the suspended pipeline crossing. However, the equivalent measure listed on the bottom of the page for underground pipeline construction on the Nacimiento, Salinas, and Santa Margarita drainages reads as follows:

- A qualified biological monitor will be on site during all underground pipeline construction activities in the vicinity of potential steelhead occurrences. The biological monitor will have the authority to halt construction until the source of contamination is controlled.

Question:

The RFP does not contain discussion of the extent of Native American consultation to date and the nature of any in-place agreements regarding tribal monitoring or the treatment of human remains. Please describe the extent of tribal consultation to date and the nature and content of any agreements.

Response:

During the EIR preparation phase, the Notice of Preparation was sent to the Native American Heritage Commission (NAHC), and they provided comments (reference Final EIR Appendix F - Notice of Preparation). The Draft EIR was also circulated to the NAHC, and Rob Wood provided a comment letter (reference Final EIR - Comments Received on the Draft EIR and Responses). Also, the following were contacted for information in preparing the EIR: Camp Roberts Environmental Office - Ethan Bertrando; California State Information Office at UCSB; Northern Chumash Council; San Luis Obispo County, Chumash Council; and Salinan Council (reference Final EIR Appendix H - List of Agencies Contacted).

During the early part of the Project's design phase, consultation with the Native American community concerning the Project began in June 2005. ESA queried the California Native American Heritage Commission (NAHC) for names of individual Native Americans, organizations, and tribes that might have concerns about the effect of the project on resources of heritage value (letter, ESA to Rob Wood, NAHC May 20, 2006). In response the NAHC provided a list of 24 individuals, groups and tribes (letter Rob Wood, NAHC to ESA, June 15, 2005), with a recommendation to contact each listed person or entity for information or concerns. ESA contacted each entry on the list, and after a second written inquiry received a response from the Santa Ynez Band of Mission Indians (letter Alva-Padilla, Santa Ynez to ESA, September 29, 2005). In that letter Santa Ynez, the only tribe recognized as such by the Department of the Interior (often referred to as "federal recognition") recommended monitoring of disturbance. The letter also recommended contacting the Elders Council at Santa Ynez or the "Chumash of the project area" for assistance in monitoring. Based on past experience the latter reference was to the Northern Chumash community of the northern San Luis Obispo County region, a well-known Native American community, which is not recognized as a tribe by the federal government. Follow up phone calls and emails were also placed Robert Duckworth of the Salinan Nation and to the Santa Ynez Band in September, 2006 to solicit further comments. No response was received from Mr. Duckworth and a copy of the Phase II report (ESA 2006) was sent to Ms. Alva-Padilla per her request.

Consultation was restarted in February 2007 by Albion Environmental, Inc. with specific discussions about the data recovery plan and Project with representatives of the Northern Chumash and Salinan communities. Clinton Blount Native American consultation coordinator from Albion met with representatives of the Northern Chumash Council on February 20, 2007, and a representative of one of the groups within the broader Salinan community, on February 26, 2007.

Question:

The RFP is unclear as to whether Native American monitoring is required in addition to archaeological monitoring at all sensitive locations. Is the County planning on securing a separate monitoring contract with Native American tribes or should the environmental/cultural monitoring team include this within the proposal?

Response:

The EM team should include Native American monitoring within the proposal. Native American monitoring is required in addition to archaeological monitoring at all sensitive locations. One Native American representative should be present at these locations when appropriate. The representative could be a Chumash or a Salinan Native American, subject to agreement by the parties.